

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RONALD A. JOHNSON, }  
Plaintiff, }  
v. } Civil Action No. 06-62 Erie  
DEPARTMENT OF CORRECTIONS, }  
et al., }  
Defendants. }

**MEMORANDUM ORDER**

\_\_\_\_ Plaintiff's civil rights complaint was removed from the Mercer County Court of Common Pleas and received by the Clerk of Court on March 13, 2006 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on March 7, 2007, recommended that the Defendants' Partial Motion to Dismiss [Doc. # 2] be granted in part and denied in part. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Albion, where he is incarcerated, and on the Defendant. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 27<sup>th</sup> Day of March 2007;

IT IS HEREBY ORDERED that the Defendants' Partial Motion to Dismiss [Doc. # 2] is GRANTED in part and DENIED in part for the reasons set forth in the Magistrate Judge's Report and Recommendation.

The report and recommendation of Magistrate Judge Baxter, dated March 7, 2007, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
U.S. Magistrate Judge Baxter